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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,308	11/18/2003	Fumitaka Yoshikawa	27,432 USA	6915
23307	7590	12/11/2008	EXAMINER	
FOX ROTHSCHILD LLP 1101 MARKET STREET SUITE 2600 PHILADELPHIA, PA 19107-2950			JIANG, YONG HANG	
			ART UNIT	PAPER NUMBER
			2612	
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			12/11/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/716,308

**Applicant(s)**

YOSHIKAWA, FUMITAKA

**Examiner**

YONG HANG JIANG

**Art Unit**

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 4, 6-11, 13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 6-11, 13 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's amendment filed 8/14/2008 has been entered. Claims 1 and 11 are amended. Claims 2-3, 5, and 12 are cancelled. Claims 1, 4, 6-11, and 13-14 are pending.

***Response to Arguments***

2. Applicant's arguments filed 8/14/2008 have been fully considered but they are not persuasive.

Applicant argues on page 7 that neither Ciotta nor Moore discloses that the portable device issues the signal, which causes the communication controller to operate the predetermined driver when the portable device is in the disablement mode, without shifting from the disablement mode to the communication mode. The examiner respectfully disagrees. Ciotta teaches a disablement mode to conserve power on the portable device; Moore teaches a low power mode to disable certain circuits such as the receiver on a portable device to lower the consumption of power (See Col. 4, line 63 - Col. 5, line 8). In view of the teachings of the combination of Ciotta and Moore, it would have been obvious to one of ordinary skill in the art to include the portable device issues the signal to operate the predetermined driver while still in the disablement mode by not powering on some parts in the portable device that are not being used, thereby conserving more power.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4, 6-7, 11, and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ciotta (US 6,856,804) and further in view of Moore (US 5,475,374).

Regarding claim 1, as shown in Fig. 3, Ciotta discloses a communication system comprising:

a portable device via (mobile station 10) having a communication function (see Col. 8, lines 24-29);

a communication controller via (base station 20, mobile switching center 30, home location register 40, and database 50 forming a communication controller) that automatically performs mutual communication with the portable device (mobile station 10) and controls a predetermined driver via (firmware on base station 20) in accordance with whether mutual communication with the portable device (mobile station 10) is established (see Col. 8, lines 11-59; Col. 9, lines 1-15 and 26-55; Col. 10, lines 14-25 and 60-64; and Col. 11, lines 17-21);

a selection device via (mobile station 10) which selects a disablement mode via (powering off) which disables automatic communication of the portable device with respect to the communication controller and a communication mode via (powering on) which enables automatic communication of the portable device (mobile station 10); (See

Col. 8, lines 11-19 and 24-29; Col. 9, lines 1-15 and 26-35; Col. 10, lines 60-64; and Col. 11, lines 14-21);

a determination unit via (mobile station 10 and communication controller that determines whether to enable or disable automatic communication with mobile station 10 by recognizing which one of the disablement mode i.e., when mobile station 10 is turned off and communication mode i.e., when mobile station 10 is turned on) (see Col. 8, lines 11-19 and 24-55; Col. 9, lines 1-15 and 26-55; Col. 10, lines 27-35 and 60-64; and Col. 11, lines 4-9 and 12-21); and

a recognition information providing device via (mobile station 10) which provides the determination unit with recognition information used to recognize which one of the disablement mode and communication mode the portable device is in (when a selection such as power off is recognized by the mobile station, the mobile station sends a signal indicating that the particular mobile station is off; See Col. 8, lines 11-13 and 24-29; and Col. 9, lines 26-30), in accordance with the selection by the selection device; and

an instruction device (via inherent on mobile station 10, mobile station 10 receives an instruction from a user to either power off or on) issues an instruction which instructs the portable device to issue a signal (via signal indicating that the mobile station is off) causing the communication controller to operate the predetermined driver when the portable device is in the disablement mode, (See Col. 8, lines 11-19, and 24-29)

wherein the portable device includes the selection device and the recognition information providing device,

wherein the portable device includes a receiving circuit (inherent on mobile station 10, mobile station 10 receives data from other devices) which receives a signal from the communication controller, the portable device inactivating the receiving circuit when the portable device is in the disablement mode (powered off),

wherein the recognition information includes a disablement mode signal (signal indicating that the mobile station is off, see Col. 8, lines 11-13) which indicates the disablement mode, and

wherein the portable device issues the signal based on the instruction from the instruction device (via signal indicating that the mobile station is off or on). (See Col. 8, lines 11-19, and 24-29).

But Ciotta fails to disclose the portable device is capable of issuing signals without shifting from the disablement mode to the communication mode.

Moore teaches a method and apparatus for energy conservation in a communication system. The portable device in the communication system has two operational modes, consisting of a low power mode and a normal power mode. When the portable device is in a low power mode, most of the circuits in the portable device are not powered. (See the Abstract, and Col. 4, line 63 - Col. 5, line 8)

From the teachings of Moore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication system of Ciotta to include the portable device is capable of issuing signals without shifting from the disablement mode to the communication mode in order to maintain a low power

state as taught by Moore to conserve power without completely shutting power on the portable device.

Regarding claim 4, Ciotta discloses a wireless communication system, as shown in Fig. 4, comprising at least one other portable device via (a plurality of mobile stations 10), and the determination unit of Ciotta's communication controller disables automatic communication with respect to each portable device (mobile station 10) that is in the disablement mode (powered off). (By routing calls and messages to the disabled mobile stations 10 to voice mail. See Col. 11, lines 4-21).

Regarding claim 6, Ciotta discloses the portable device includes a transmitting circuit (inherent on mobile station 10), which transmits a signal to the communication controller, the portable device inactivating the transmitting circuit when the portable device is in the disablement mode via (mobile station 10 powered off). (See Col. 8, lines 11-19; Col. 9, lines 1-15 and 21-24; Col. 10, lines 60-64; and Col. 11, lines 12-21).

Regarding claim 7, Ciotta discloses the portable device includes a notification device (mobile station 10), which generates a notice that the portable device is in the disablement mode (when powered off, mobile station 10 send a signal indicating that the particular mobile station is off) and which generates a notice that the portable device has shifted from the disablement mode to the communication mode (when the mobile station 10 is turned on a signal is sent to base station 20). (See Col. 8, lines 11-13, and lines 24-25).

Regarding claim 11, Ciotta discloses a method for reducing power consumption in a communication system the communication system including a portable device (via

mobile station 10) and communication controller (via base station 20, mobile switching center 30, home location register 40, and database 50 forming a communication controller) that performs automatic communication with the portable device and controls a predetermined driver (via firmware on base station 20) in accordance with whether mutual communication with the portable device is established, wherein the portable device includes a receiving circuit (inherent on mobile station 10, mobile station 10 receives data from other devices) which receives a signal from the communication controller, the method comprising (see Col. 8, lines 11-59; Col. 9, lines 1-15 and 26-55; Col. 10, lines 14-25 and 60-64; and Col. 11, lines 17-21):

selecting a disablement mode on a portable device via (turning mobile station 10 off) which disables automatic communication of the portable device relative to a communication controller (base station 20) and a communication mode via (turning mobile station 10 on) which enables automatic communication of the portable device; (see Col. 8, lines 11-10 and 24-35; Col. 9, lines 26-35; Col. 10, lines 60-64; and Col. 11, lines 4-21)

transmitting recognition information from the portable device to the communication controller in accordance with the selection by the portable device via (when powered on or off is selected on the mobile station 10, status of mobile station 10 is recognized and transmitted to base station 20), wherein the recognition information is used to recognize which one of the disablement mode (mobile station 10 off) and the communication mode (mobile station 10 on) the portable device is in, and wherein the recognition information includes one of a communication mode signal via (when a



mobile station 10 is turned on, a signal is sent from the mobile station 10 to a base station 20), which indicates the communication mode, (See Col. 8, lines 11-19 and 24-35; Col. 9, lines 1-15 and 26-35; Col. 10, lines 60-64; and Col. 11, lines 12-21)

determining with the communication controller which one of the disablement mode and the communication mode the portable device is in from the recognition information (on or off signal from mobile station 10 is determined by base station 20) (see Col. 11, lines 12-21);

disabling automatic communication of the communication controller relative to the portable device when it is determined that the portable device is in the disablement mode (routing incoming calls and messages intended for mobile station 10 to voice mail when the communication controller determines that mobile station 10 is off) (See Col. 11, lines 12-21),

and inactivating the receiving circuit when the portable device is in the disablement mode via (the receiving circuit is inactive when mobile station 10 is off). (See Col. 8, lines 11-19; Col. 9, lines 1-15 and 26-27; Col. 10, lines 60-64; and Col. 11, lines 12-21); and

issuing an instruction instructing the portable device to issue a signal (when power off, mobile digital station send a signal indicating the mobile station is off) causing the communication controller to operate the predetermined driver when the portable device is in the disablement mode (See Col. 8, lines 11-19, and 24-29)

But Ciotta fails to disclose the portable device is capable of issuing signals without shifting from the disablement mode to the communication mode.

Moore teaches a method and apparatus for energy conservation in a communication system. The portable device in the communication system has two operational modes, consisting of a low power mode and a normal power mode. When the portable device is in a low power mode, most of the circuits in the portable device are not powered. (See the Abstract, and Col. 4, line 63 - Col. 5, line 8)

From the teachings of Moore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Ciotta to include the portable device is capable of issuing signals without shifting from the disablement mode to the communication mode in order to maintain a low power state as taught by Moore to conserve power without completely shutting power on the portable device.

Regarding claim 13, Ciotta discloses the portable device (mobile station 10) includes a transmitting circuit (inherent on mobile station 10), which transmits a signal to the communication controller via (mobile station 10 on or off signal), the method further comprising: inactivating the transmitting circuit when the portable device is in the disablement mode via (when mobile station 10 is off, transmitting circuit is inactive). (See Col. 8, lines 11-19; Col. 9, lines 1-15 and 21-24; Col. 10, lines 60-64; and Col. 11, lines 12-21).

Regarding claim 14, Ciotta discloses the method further comprising: generating a notice that the portable device is in the disablement mode via (when powered off, mobile station 10 sends a signal indicating that the mobile station is off); and generating a notice that the portable device has shifted from the disablement mode to the

communication mode via (when mobile station 10 is on, a signal is sent from the mobile station 10 to a base station 20). (See Col. 8, lines 11-13, and lines 24-25).

5. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ciotta and Moore as applied to claim 1 above, and further in view of Hara (US 2002/0025823).

Regarding claims 8-10, Ciotta discloses the structural elements of the claimed invention but fails to disclose the predetermined driver is a door lock driver, which locks and unlocks a door of a vehicle or house.

Hara teaches a smart entry system, this system includes a portable device and a stationary device (stationary device mounted on a vehicle), when mutual communication between the portable device and the stationary device is automatically established (authentication codes are verified between the two devices by wireless communication), predetermined operations such as locking or unlocking of a door is automatically realized. (See page 1, paragraphs 3 and 5)

From the teachings of Hara, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the system of Ciotta to include a predetermined driver such as a door lock or unlock driver on a vehicle or a house to utilize the automatic verification between a portable device and a communication controller to avoid bothersome operations by a user, thereby increasing the convenience of a user.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YONG HANG JIANG whose telephone number is (571)270-3024. The examiner can normally be reached on M-F 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian A. Zimmerman can be reached on 571-272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Y. J./  
Examiner, Art Unit 2612

/Brian A Zimmerman/  
Supervisory Patent Examiner, Art Unit 2612